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ATTORNEY FOR BEACON FUNDING CORPORATION

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE: § CASE NO. 23-42473-elm13
§
Mark Edward Rice, § CHAPTER 13
§
Debtor. §

OBJECTION TO CONFIRMATION OF PLAN

TO THE HONORABLE BANKRUPTCY JUDGE:

COMES NOW, Beacon Funding Corporation (hereinafter “Beacon Funding”), and would show this Court as follows:

- (1) This is an Objection to Confirmation of the Debtor’s Chapter 13 Plan pursuant to Sections 506(a) and Sections 1325(a)(5)(B)(ii) of the Bankruptcy Code.
- (2) The jurisdiction of this Court in this contested matter is founded in 28 U.S.C.A. Section 1471(c)(e).
- (3) At the initiation of the Chapter 13 bankruptcy cause of action, the Debtor was in possession of certain property, described as a 2019 Ford F650; VIN# 1FDWX6DE6KDF02386, as well as a 2019 Chevron 21’ SN 21Oc-10S-06098-HB19 Steel Carrier with all accessories, attachments, and options.
- (4) Said Debtor has continued and is now in possession of said property.
- (5) Beacon Funding is the holder of a secured claim against the Debtor.
- (6) The payoff balance as of August 24, 2023, was the sum of \$61,696.64.

(7) Beacon Funding has a valid security interest in the above-stated property, to secure said indebtedness remaining on the purchase price of said property, all of which is shown by the Equipment Finance Agreement, a true and correct copy of which is attached hereto as Exhibit "A." A true and correct copy of the Texas Certificate of Title is attached hereto as Exhibit "B."

(8) Beacon Funding is the holder of a secured claim against the Debtor and has reviewed the Chapter 13 Plan, wherein the Debtor proposes to pay Beacon Funding the claim amount of \$61,696.64 at 9.00% through the Chapter 13 Trustee pro-rata. Movant objects to pro-rata treatment. Section 1325(a)(5)(B)(iii)(I) requires equal monthly payments on secured claims being paid overtime through a Chapter 13 Plan. Beacon Funding should receive fixed monthly payments, not pro-rata payments.

WHEREFORE PREMISES CONSIDERED, Beacon Funding prays that this Court deny confirmation of the Debtor's Plan as currently filed, and for all other relief as is just and proper at law or in equity.

Respectfully submitted,

/s/Shawn K. Brady
Shawn K. Brady
Texas Bar No. 00787126

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Attorney for Beacon Funding Corporation

CERTIFICATE OF SERVICE

On September 21, 2023, a true and correct copy of the foregoing Objection to Confirmation of Plan was delivered via ECF to the Debtor's attorney of record, Marcus B. Leinart, 10670 N. Central Expwy., Suite 320, Dallas, Texas 75231; by ECF to the Chapter 13 Trustee, Tim Truman, 6851 N.E. Loop 820, Suite 300, N. Richland Hills, Texas 76180; by ECF to the U.S. Trustee, 1100 Commerce Street, Room 976, Dallas, Texas 75242-1496; and by ECF to all parties listed in attached Matrix who have filed a notice of appearance or request for notice in this case.

/s/Shawn K. Brady
Shawn K. Brady

**AFFIDAVIT FOR SWORN ACCOUNT AND FOR ADMISSION OF BUSINESS
RECORDS RULE 803(6) FEDERAL RULES OF EVIDENCE AND TITLE 28
SECTION 1732 U.S. CODE, JUDICIARY AND JUDICIAL PROCEDURE**

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared SHAWN K. BRADY, who, being by me duly sworn, deposed as follows:

"My name is SHAWN K. BRADY. I am over the age of 18, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am the attorney and the custodian of the records of Beacon Funding Corporation (hereinafter 'Beacon Funding') concerning the account of Mark Rice. Attached hereto are four (4) pages of records from Beacon Funding. These said four (4) pages of records are kept by Beacon Funding in the regular course of business, and it was the regular course of business of Beacon Funding for an employee or representative of Beacon Funding, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."

/s/Shawn K. Brady
SHAWN K. BRADY

SUBSCRIBED AND SWORN TO BEFORE ME on September 21, 2023, to which witness my hand and official seal.

“Notary Seal”
Notary ID 10703982

/s/Shelly Godwin
Notary Public, in and for the
State of Texas
My Commission Expires: 09/09/2026